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**MARTIN & FERRARO, LLP**

ATTORNEYS AT LAW

17383 SUNSET BLVD, SUITE 315  
LOS ANGELES, CALIFORNIA 90272Telephone  
(310) 286-9800Facsimile  
(310) 286-2795

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**FACSIMILE TRANSMITTAL**

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**TO:****Name:** Mail Stop RCE  
Group Art Unit 3733 / Examiner Richard R. Shaffer**Firm:** U.S. Patent & Trademark Office**Fax No.:** 571-273-8300**Subject:** U.S. Patent Application No. 10/802,906

Gary K. Michelson

Filed: March 17, 2004

ORTHOPEDIC IMPLANT WITH LOCKING

ELEMENT (as amended)

Attorney Docket No. 101.0058-03000

Customer No. 22882

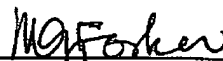
Confirmation No.: 5309

**FROM:****Name:** Amedeo F. Ferraro, Esq.**Phone No.:** 310-286-9800**No. of Pages (including this):** 21**Date:** October 14, 2008**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; The total amount of \$940.00 to cover the \$810.00 RCE fee and \$130.00 one (1)-month extension fee is to be charged to Deposit Account No. 50-3726), Request for Continued Examination (in duplicate), Amendment and Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO/SB/08 are being facsimile transmitted to the U.S. Patent and Trademark Office on October 14, 2008.



Miyabi Grace Forker

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FORM PTO-1083

Attorney Docket No.: 101.0058-03000  
Customer No: 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Gary K. Michelson  
Serial No: 10/802,906  
Filed: March 17, 2004  
For: ORTHOPEDIC IMPLANT WITH LOCKING  
ELEMENT (as amended)

Confirmation No.: 5309

Art Unit: 3733  
Examiner: Richard R. Shaffer**RECEIVED  
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OCT 14 2008

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Request for Continued Examination (RCE) and Amendment in reply to the Notice of Panel Decision from Pre-Appeal Brief Review dated August 14, 2008 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a one (1)-month extension of time to respond to the above office action.
- ☐ A Terminal Disclaimer is enclosed.
- ☒ An Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO/SB/08 is enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	44	-	45 **	0	LG=\$52 SM=\$26	\$ 0
INDEPENDENT CLAIMS FEE	3	-	3 ***	0	LG=\$220 SM=\$110	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$390 SMALL ENTITY FEE = \$195	\$ 0
TOTAL						\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ The total amount of \$940.00 to cover the \$810.00 RCE fee and \$130.00 one (1)-month extension fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: October 14, 2008

By: 

Amedeo F. Ferraro

Registration No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (310) 286-9800  
Facsimile: (310) 286-2795

Transmittal of Amendment 10-14-08

FORM PTO-1083

Attorney Docket No.: 101.0058-03000  
Customer No. 22882

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Respectfully submitted,

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Date: October 14, 2008

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Registration No. 37,1291557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (310) 286-9800  
Facsimile: (310) 286-2795

Transmittal of Amendment 10-14-08